

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-213—sHB 6581

Transportation Committee

Appropriations Committee

Public Safety and Security Committee

AN ACT MAKING REVISIONS TO MOTOR VEHICLE STATUTES

SUMMARY: This act makes a number of changes in motor vehicle laws. Among other things, it:

1. increases fines for using a cell phone or texting while driving and imposes additional penalties for texting while driving a commercial motor vehicle (§§ 51- 53);
2. requires school bus operators to remove a driver from a school bus within 48 hours, rather than 10 days, after learning that the Department of Motor Vehicles (DMV) has suspended or revoked his or her license or school bus endorsement (§ 41);
3. bars school buses, except in limited circumstances, from driving in the far left lane of designated sections of certain limited access highways (§ 38);
4. requires the commissioner to suspend the license of a driver who commits a moving or suspension violation within 36 months of completing a driver retraining program and adds several violations to those considered moving violations (§ 54);
5. ends the distribution of handicapped license plates (except for motorcycles) but allows people who already have them to renew them (§ 39);
6. allows servicemen and women to obtain driver's licenses and non-driver ID cards while serving abroad (§15);
7. requires certain driving tests to be given in certain languages other than English and Spanish (§ 12);
8. eliminates the ability of certain drivers whose Connecticut license has been suspended because of certain motor vehicle convictions in other states from asking DMV to reverse or reduce the suspension, eliminates the commissioner's authority to suspend the license of people charged with a felony, and makes related changes (§ 28);
9. requires new and used car dealers to sell only vehicles that meet state emissions standards and have passed an emissions test, if required (§ 33); and
10. makes it a crime to operate a driving school or teach people to drive, for pay, without the appropriate licenses (§§ 24 and 25).

The act also requires DMV to conduct a privatization study of various DMV functions; allows it to change the renewal notification process for registrations, licenses and other documents; authorizes it to contract with independent contractors for some services; and makes other substantive changes. It also makes

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conforming changes (§§ 2, 3, 13, 19, and 35).

EFFECTIVE DATE: Various, see below

§ 1 — NOTIFICATION OF EXPIRING IDENTIFICATION (ID) CARDS

The act allows, rather than requires, the DMV commissioner to notify non-driver ID card holders when an ID card is going to expire. It prohibits the commissioner from notifying an ID card holder if the U.S. Postal Service (USPS) determines mail is not deliverable to him or her at the address in DMV records. (If the commissioner chooses to notify ID card holders, this act (§ 16) requires her to do so at least 15 days before the card is due to expire.)

EFFECTIVE DATE: July 1, 2011

§ 4 — DMV CONTRACTS WITH INDEPENDENT CONTRACTORS

The act authorizes the commissioner to contract with independent contractors to provide programs and services on behalf of DMV. The contracts must specify that the contractors may charge DMV customers a reasonable service fee. The commissioner must set the fee.

EFFECTIVE DATE: July 1, 2011

§ 5 — DMV RECORDS AND PERSONAL INFORMATION

The act requires anyone seeking personal information from DMV registration records to provide the commissioner with personal identification she finds satisfactory, rather than two forms of acceptable identification.

By law, the DMV commissioner does not have to disclose the home address of certain people if they ask her, in writing, to make only their business address available to the public. Under prior law, these people included members of municipal police departments. The act instead allows municipal police officers, constables who perform criminal law enforcement duties, certain special police officers, and any member of a law enforcement unit who performs police duties, to make this request.

EFFECTIVE DATE: July 1, 2011

§ 6 — VEHICLES ELIGIBLE FOR REGISTRATION THROUGH DEALERSHIPS

The act broadens the type of vehicles licensed motor vehicle dealers can register. By law, the commissioner may appoint licensed motor vehicle dealers to issue new registrations for passenger cars, motorcycles, campers, camp trailers, and trucks with a gross vehicle weight of up to and including 26,000 pounds. The act also allows licensed dealers to issue new registrations for commercial trailers and service and school buses. It eliminates the weight limit on trucks, allowing dealers to issue new registrations for any size truck. It makes conforming changes regarding registration fees.

By law, a commercial trailer is a trailer used by a business to carry freight, material, or equipment. Service buses are vehicles designed and regularly used to

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carry at least 10 passengers without charge, not including vanpool vehicles and school buses.

EFFECTIVE DATE: July 1, 2011

§ 7 — MOTOR VEHICLE RENTAL COMPANY LICENSES

Motor vehicle rental companies must have a DMV license to conduct their business. Under prior law, the commissioner had to mail these companies a license renewal form. The act instead allows the commissioner to send or transmit the renewal application as she deems appropriate. As under prior law, she must do so at least 45 days before the license expires.

EFFECTIVE DATE: July 1, 2011

§ 8 — EXPERIMENTAL TESTING OF MOTOR VEHICLES

By law, the commissioner may issue special number plates to automotive equipment manufacturers for motor vehicles used to test automotive equipment. The act allows her to also issue such plates to motor vehicle manufacturers testing motor vehicles. Manufacturers must include information on these vehicles when they apply for the plates.

EFFECTIVE DATE: July 1, 2011

§ 9 — MOTOR VEHICLE REGISTRATION RENEWALS

The act allows the commissioner to send or transmit, as she deems appropriate, an application to renew motor vehicle registrations. Under prior law, she had to mail the renewal form. As under prior law, she must notify vehicle owners at least 45 days before the prior registration expires. She may also send or transmit as she deems appropriate, rather than mail, an application for renewal of a leased vehicle to the lessee. Under the act, the commissioner cannot be required to notify any registrant or lessee if the USPS has determined that mail cannot be delivered to that person at the address in DMV records. Prior law required a registrant or lessee to return the renewal application to DMV by mail in most cases. The act also authorizes the commissioner to require them to return the renewal application electronically.

EFFECTIVE DATE: July 1, 2011

§ 10 — COMMERCIAL MOTOR VEHICLE REGISTRATION AND FINES

The act bars commercial vehicles required to be registered in another state from operating in Connecticut without that registration. A violator generally faces a \$500 fine for a first offense, and between \$1,000 and \$2,000 for subsequent offenses (see below).

The law already bars commercial vehicles eligible for registration on an “apportionment” basis from operating in Connecticut without either that registration or a DMV-issued 72-hour trip permit registration. “Apportioned” registration fees are based on registration in a vehicle’s home state and fees paid to other jurisdictions based on the distance the vehicle travels there.

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Fines for operators of commercial vehicles that violate these provisions depend on vehicle weight. By law, trucks with a gross weight of more than 60,000 pounds are subject to fines of \$1,000 for a first violation and between \$2,000 and \$4,000 for each subsequent violation. The act specifies that these fines are based on the vehicles' gross vehicle weight rating, rather than their gross weight. By law, gross vehicle weight rating is a vehicle's maximum loaded weight, as specified by the manufacturer.

EFFECTIVE DATE: July 1, 2011

§ 11 — MOTOR CARRIERS

The act bars any private motor carrier (truck company) from operating vehicles in the state if (1) the Federal Motor Carrier Safety Administration (FMCSA) has ordered it to stop operating because of violations of safety fitness procedures or certain other rules of practice or (2) it is operating without authority or beyond the scope of that authority under FMCSA regulations. It subjects violators to fines of between \$500 and \$1,000 and imprisonment for up to 90 days for a first offense, and fines of between \$1,000 and \$2,000 and imprisonment for up to one year for subsequent offenses.

EFFECTIVE DATE: July 1, 2011

§ 12 — DRIVER'S TESTS

The act allows the commissioner to give the knowledge portion of the driver's test for a class D (noncommercial) license in any form she deems appropriate, including in written, electronic, or audio form. She must give the test in English, Spanish, and in any language spoken at home by at least 1% of the state's population, based on the most recent U.S. census. Prior law already required certain written tests to be in English and Spanish. According to the 2000 census, other languages spoken at home by at least 1% of the state population age five and older are French, Italian, Polish, and Portuguese.

EFFECTIVE DATE: Upon passage

§ 14 — EMPLOYEES DRIVING IN VIOLATION OF LICENSE CLASSIFICATION

The act prohibits employers from knowingly requiring or permitting an employee acting in the scope of his or her employment from driving a commercial motor vehicle in violation of the employee's license classification. Commercial motor vehicles include large trucks, buses, and certain vehicles transporting hazardous waste. Commercial driver's licenses (CDL) are classified as either "A", "B", or "C" depending on a vehicle's weight and type. Employers who violate the act are subject to a maximum civil penalty of \$1,000 for a first violation and \$2,500 for subsequent violations.

By law, the commissioner requires license holders to have an "S," "V," or "F" endorsement to operate certain types of public passenger motor vehicles. A "V" endorsement allows the operation of a student transportation vehicle; an "F"

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endorsement allows the operation of a taxi, livery vehicle, service bus, or motor bus. An “S” endorsement allows a license holder to drive school buses and most of the above vehicles.

The act bars (1) anyone with an “S,” “V,” or “F” endorsement from operating any other such vehicle for which a public passenger endorsement is required if the “S,” “V,” or “F” endorsement has been suspended, revoked, or withdrawn, or if DMV has refused to issue or renew it, and (2) the commissioner from issuing any other public passenger endorsement to an individual whose “S,” “V,” or “F” endorsement is suspended, revoked, withdrawn, not issued or not renewed.

By regulation, a holder of a class “D” (non-commercial) license who operates or intends to operate any fire apparatus may apply for a “Q” endorsement (Conn. Agency Regs. § 14-36a-1.) The act specifies that a “Q” endorsement on any class license (commercial or non-commercial) qualifies the license holder to operate a fire apparatus.

EFFECTIVE DATE: July 1, 2011

§ 15 — DRIVER’S LICENSES FOR STATE RESIDENTS ON ACTIVE MILITARY DUTY

The act allows a state resident in the U.S. Armed Forces stationed outside the U.S. on active military duty to get a driver’s license or non-driver’s ID card if he or she (1) does not have, or surrenders, a license or ID card from another state, U.S. territory, or possession; (2) has a current Army Post Office or Fleet Post Office mailing address; (3) designates his or her home address as 60 State Street, Wethersfield, CT 06161 (DMV’s central office); and (4) meets all other requirements for getting a license or ID card. Residence in Connecticut must be reflected in the records of the U.S. Defense Department, Department of Homeland Security, or a department that oversees the U.S. Coast Guard.

EFFECTIVE DATE: October 1, 2011

§ 16 — LICENSE AND ID CARD RENEWAL NOTICE

Prior law required the commissioner to notify the holder of a driver’s license at least 15 days before it was due to expire. The act allows, rather than requires, her to notify a license holder of the expiration date in a manner she determines and also allows her to do the same for holders of non-driver ID cards. If she does notify the license and card holders, she must do so at least 15 days before the license or card expires. The act prohibits the commissioner from notifying any license or ID card holder if the USPS determines it can no longer deliver mail for the person to the address in DMV records.

It authorizes automobile clubs and associations, which already can renew licenses and ID cards, to also issue duplicate licenses and ID cards. The clubs and associations can charge a fee of up to \$2 for each duplicate. They may already charge this fee for the renewals. The act also makes technical changes.

EFFECTIVE DATE: Upon passage

§ 17 — PHOTO IDENTIFICATION OF DRIVERS AGE 65 OR OLDER

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The act eliminates the commissioner's ability to waive the requirement that a driver's license for people age 65 or older include a photograph. Under prior law, she could waive this requirement if the license holder asked for the waiver in writing and provided evidence of hardship, such as living too far from a DMV office. Federal law requires state-issued driver's licenses and ID cards to include the license or card holder's photograph to be accepted for official purposes by a federal agency.

EFFECTIVE DATE: Upon passage

§ 18 — APPROPRIATE LICENSE ENDORSEMENTS

The act eliminates a redundant provision and specifies that drivers need licenses of the proper classification bearing the appropriate endorsement to operate various vehicles.

EFFECTIVE DATE: July 1, 2011

§ 20 — COMMERCIAL DRIVER'S LICENSE RENEWALS

By law, the commissioner must notify CDL holders at least 15 days before their licenses expire. The act allows her to notify them in a manner she determines and prohibits her from notifying any CDL holder if USPS has determined mail cannot be delivered to the person at the address in DMV records.

EFFECTIVE DATE: Upon passage

§ 21 — REINSTATEMENT OF CDL HOLDERS DISQUALIFIED FOR LIFE

By law, the commissioner may disqualify for life CDL holders who commit two or more of certain offenses, including driving under the influence (DUI). Disqualified drivers cannot drive a commercial motor vehicle.

However, by law, CDL holders disqualified for life (except those disqualified for using a motor vehicle to commit a felony involving making, distributing, or dispensing a controlled substance) may apply for reinstatement if they (1) have voluntarily enrolled in and successfully completed, an alcohol and drug addiction treatment program and (2) served at least 10 years of the disqualification period. The act requires the applicant to provide documentation satisfying the commissioner that the applicant has both voluntarily enrolled in, and successfully completed, the treatment program and that the program meets state statutory and regulatory requirements. (PA 11-48 and PA 11-51 repeal the alcohol and drug addiction treatment program.)

The act prohibits the commissioner from reinstating a CDL holder disqualified for life unless the applicant requests an administrative hearing and provides evidence that the reinstatement does not endanger the public safety or welfare. Such evidence must include proof the applicant has not been convicted of any offense involving alcohol, a drug, or a controlled substance for 10 years following the date of his or her most recent lifetime disqualification. If a driver disqualified for life is reinstated and later convicted of another disqualifying offense, he or she is permanently disqualified and ineligible for further reinstatement.

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The act requires the commissioner to maintain, for 55 years, a record of certain offenses by commercial vehicle operators and CDL holders, as required by federal law. These include (1) DUI, evading responsibility, using a motor vehicle to commit a felony and other offenses, if the offense occurred on or after December 29, 2006; (2) each of two or more of certain offenses that occur within 10 years of each other and result in a lifetime disqualification; and (3) using a motor vehicle to commit a felony involving the manufacture, distribution, or dispensing of a controlled substance, if the offense occurred on or after January 1, 2005.

The act doubles the minimum penalty for a CDL holder who violates an out-of-service order (see BACKGROUND) from 90 to 180 days for a first violation and from one to two years for a second violation committed within 10 years of a previous violation. The maximum penalties remain unchanged.

Drivers who violate an out-of-service order are subject to a fine of between \$1,100 and \$2,750, the same penalties as under federal law. The act conforms these penalties to the federal regulations as amended (49 CFR § 383. 53), so that the state penalties will change as the federal penalty changes.

EFFECTIVE DATE: July 1, 2011

§ 22 — DEALER LICENSE EXPIRATION AND RENEWAL

The act allows the commissioner to send or transmit, in a manner she determines, a license renewal application to holders of a new or used car dealer, repairer, or limited repairer, license. Under prior law, she had to mail the application. As under prior law, she must send or transmit the renewal application at least 45 days before the current license is due to expire.

EFFECTIVE DATE: Upon passage

§ 23 — TEMPORARY REGISTRATION TRANSFER

The act broadens the types of vehicles for which licensed motor vehicle dealers and repairers may issue temporary registration transfers. By law, licensed dealers and repairers who sell or trade passenger cars, motorcycles, campers, camp trailers, or trucks weighing up to and including 26,000 pounds may issue a 60-day temporary registration transfer to someone who holds a current registration for these vehicles. The act also allows dealers and repairers who sell or trade commercial trailers, service buses, and school buses to do this. It eliminates the 26,000-pound weight limit for trucks, so that a dealer or repairer selling or trading any size truck may also issue these temporary transfers.

EFFECTIVE DATE: October 1, 2011

§§ 24 & 25 — DRIVING SCHOOL OPERATORS AND DRIVING INSTRUCTORS

Under prior law, the commissioner had to check state and national criminal history records and the state child abuse and neglect registry when people sought a license, or license renewal, to operate a driving school. She had to consider

these in determining whether to issue or renew a license. The act eliminates the need to run these checks, or make such a determination, when people seek to renew a license. It makes operating a driver's school without a license a class B misdemeanor (see Table on Penalties).

It also makes it a class B misdemeanor for anyone without a driving instructor's license to (1) teach people to drive, for pay or (2) teach driving at a driving school. By law, DMV can impose a civil penalty of up to \$1,000 on anyone who violates these laws (CGS § 14-79).

EFFECTIVE DATE: July 1, 2011

§ 26 — DISPLAYING LIGHTS ON MOTOR VEHICLES

Under prior law, no one could display certain lights on a vehicle without a special permit from the DMV commissioner. Prior law allowed the Department of Transportation (DOT) to get a permit from the commissioner for multiple vehicles without having to place a copy of the permit in each vehicle displaying the lights. The act eliminates this provision and instead allows vehicles (1) owned or leased by the U.S. government, the state, or a municipality; (2) registered to that governmental entity; and (3) displaying government plates, to display these lights without a permit.

EFFECTIVE DATE: Upon passage

§ 27 — ETCHING SERVICES

The act eliminates a requirement that new and used car dealers and lessors annually file rate schedules for etching and parts marking with DMV. But they still must submit a rate schedule and may amend it from time to time.

EFFECTIVE DATE: July 1, 2011

§ 28 — DRIVER'S LICENSE SANCTIONS

The act eliminates the ability of a person whose Connecticut license has been suspended by the DMV for certain motor vehicle convictions in other states to ask the commissioner to reverse or reduce the suspension.

Under prior law, the commissioner could suspend or revoke a registration certificate or operator's license and seize the credential if the holder did not return it. The act eliminates the requirement that a license holder return the license to the commissioner and the commissioner's ability to seize it. It authorizes the commissioner to restore a revoked or suspended license, rather than physically return it. It does not change the requirements for registration certificates.

It eliminates the commissioner's authority to (1) suspend the driver's license of a person charged with a felony or for whom there is an outstanding warrant for failing to appear on a felony charge and (2) require a motor vehicle owner or operator to file a surety bond before the commissioner returns a suspended or revoked registration or license. It also eliminates a requirement that the commissioner notify certain municipal and police officials when she revokes or suspends a license or registration of someone living in their city or town.

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EFFECTIVE DATE: October 1, 2011

§ 29 — COMMERCIAL MOTOR VEHICLE FILINGS

Prior law required owners of certain commercial motor vehicles to file with the commissioner, at least twice annually, evidence that they met the legal security requirements for the vehicle. The act reduces the filing requirement to at least once annually and eliminates a requirement that at least once every two years the owner also to furnish to DMV a motor carrier identification report that meets federal requirements.

EFFECTIVE DATE: July 1, 2011

§ 30 — EXEMPTION OF OLDER VEHICLES FROM EMISSIONS TESTING

By law, motor vehicles manufactured “twenty-five or more years ago” are exempt from emissions testing. The act defines “twenty-five or more years old,” when used in connection with a motor vehicle, to mean that the difference between the vehicle’s model year and the current calendar year is at least 25 years.

EFFECTIVE DATE: July 1, 2011

§ 31 — EMISSIONS SYSTEM RESTORATION PERIOD

The law requires car owners to maintain their vehicle’s emissions control system in good working order and prohibits them from rendering the system inoperable. Prior law allowed the commissioner to revoke the registration of anyone who did not restore the system to operating condition within 30 days after the commissioner notified him or her of a violation. The act doubles, to 60 days, the time the car owner has to restore the system to working order.

EFFECTIVE DATE: October 1, 2011

§ 32 — EMISSIONS RE-INSPECTION LATE FEE

By law, the commissioner may impose a \$20 late fee on anyone who does not have his or her vehicle inspected within 30 days after the end of its assigned inspection or re-inspection period. But the law also allows anyone whose vehicle fails its initial emissions test to return within 60 days for a free re-inspection.

The act conforms the grace period for a re-inspection to the 60-day period for a free re-inspection by extending to 60 days the length of time someone may have a vehicle re-inspected following a test failure. It imposes the \$20 late fee after this 60-day period expires.

Under prior law, the commissioner could waive the \$20 late fee if she found that failure to have the vehicle inspected within 30 days of either the assigned inspection or re-inspection period was due to an emergency. The act extends from 30 to 60 days the period during which the commissioner may waive the late fee for a vehicle owner who failed to have the vehicle re-inspected because of an emergency.

EFFECTIVE DATE: October 1, 2011

§ 33 — DEALERS TO SELL VEHICLES THAT MEET EMISSIONS STANDARDS

The act prohibits licensed new and used motor vehicle dealers and licensed repairers and limited repairers from selling a motor vehicle that does not meet state emissions standards and has not passed a required emissions inspection. A violation is an infraction, with a \$50 fine for a first offense. By law, anyone who knowingly or negligently violates the emissions law is responsible to the state for the costs and expenses of detecting, investigating, controlling, and abating such a violation (CGS § 22a-6a (a)).

EFFECTIVE DATE: October 1, 2011

§ 34 — VEHICLE LIENS

The act allows the DMV commissioner to require that certain notifications regarding security interests be sent to DMV electronically.

The law requires most holders of a security interest in a vehicle, upon satisfaction of the interest (e.g., after a car owner pays off a car loan), to release the security interest and mail or deliver the release and certificate of title to the next lien holder or the vehicle owner. Prior law required most owners to promptly mail or deliver the certificate and release to the commissioner. The act instead allows the commissioner to require that the lien holder send its release of the security interest to DMV electronically.

By law, the commissioner may keep an electronic title file. If a lien holder's security interest is kept in that file, the lien holder, once the security interest is satisfied, must release the security interest and mail, deliver, or electronically send the release to the next lien holder or owner. Under prior law, the commissioner had to issue a certificate of title and present or mail it to the owner or second lien holder, if any. The act instead allows the commissioner to require the lien holder to send DMV information about the release of a security interest electronically.

The law requires that, on the satisfaction of a security interest in a vehicle where the title is held by a prior lien holder, the lien holder whose security interest is satisfied must execute its release and deliver it to the owner. The act requires him or her to also deliver or send the release electronically to the prior lien holder. Prior law required the lien holder holding the title to either (1) deliver the certificate to the owner for delivery to the commissioner or, (2) on receiving the release, mail or deliver it with the certificate of title to the commissioner, who must release the subordinate lien holder's rights on the certificate or issue a new one. The act instead requires the lien holder holding the title to deliver it to the owner and allows the commissioner to require a subordinate lien holder to send DMV information about the release of its security interest electronically.

EFFECTIVE DATE: July 1, 2011

§ 36 — ALCOHOL AND DRUG ADDICTION TREATMENT PROGRAM

By law, certain people whose license is suspended for DUI must take part in an alcohol and drug addiction treatment program. Under prior law, such an

individual could ask the commissioner to waive this requirement if (1) he or she was already participating in, or had completed, such a program and (2) a licensed physician stated, based on a personal examination, that the individual did not (a) have a current addiction problem that affected his or her ability to drive safely or (b) pose a significant risk of having such a problem in the foreseeable future.

Under the act, a physician no longer needs to determine whether an individual poses a significant risk of having an addiction problem in the foreseeable future. The physician must still determine, based on a personal examination, whether an individual has a current addiction problem that affects his or her ability to drive safely. And it allows licensed physician assistants and advance practice registered nurses to also make such a determination based on a personal examination. (PA 11-48 and PA 11-51 repeal the alcohol and drug addiction treatment program.)
EFFECTIVE DATE: July 1, 2011

§ 37 — SPECIAL OPERATOR’S PERMIT

A special operator’s permit allows a person whose license has been suspended to drive only for the limited purposes of going to and from work or an accredited higher education institution. Prior law allowed the commissioner to condition issuance of a special permit to drive to work on the driver operating only a vehicle equipped with an ignition interlock device. The act also allows her to impose this condition when she issues a special permit for educational purposes.
EFFECTIVE DATE: July 1, 2011

§ 38 — SCHOOL BUSES BARRED FROM DRIVING IN EXTREME LEFT LANE

The act prohibits school buses from driving in the extreme left lane of certain State Traffic Commission (STC) designated sections of a divided limited access highway with more than two lanes for traffic traveling in the same direction. The law already prohibited commercial motor vehicles, motor buses, and vehicles with trailers from using the extreme left lane in areas that the STC has so designated. As with these other vehicles, a school bus may drive in the extreme left lane at a police officer’s direction or when access to or from the highway is on the left. In the latter case, the school bus driver can drive in the extreme left lane for as long as reasonably necessary to enter or leave the highway safely. A violation is an infraction, punishable by an \$88 fine.
EFFECTIVE DATE: July 1, 2011

§ 39 — LICENSE PLATES FOR PEOPLE WITH DISABILITIES

Starting October 1, 2011, the act eliminates the commissioner’s authority to issue new special license plates for those people eligible for handicapped placards, except for these individuals with motorcycles. But it allows the commissioner to accept renewal applications for plates issued before that date. The commissioner must still issue removable windshield placards for these individuals. An eligible individual with a motorcycle registration may also obtain

a removable windshield placard.

EFFECTIVE Date: October 1, 2011

§ 40 — WEIGHT RESTRICTIONS FOR COMMERCIAL VEHICLES

The act changes the weight restrictions for two-axle commercial motor vehicles and eliminates weight distinctions for commercial vehicles based on whether they have solid or pneumatic tires.

It specifies that no two-axle vehicle may exceed a maximum gross vehicle weight of 36,000 pounds. Prior law limited two-axle vehicles with pneumatic tires to a gross weight of 32,000 pounds. The act applies the weight limit of 22,400 pounds per axle, or, in the case of axles less than six feet apart, 18,000 pounds per axle, which already applied to most vehicles with three or more axles, to two-axle vehicles.

Under prior law, a vehicle and its load could not exceed the manufacturer's axle weight rating, its gross vehicle weight rating, or specific gross weight limits. The act specifies that the vehicle and its load cannot exceed the lesser of the manufacturer's axle weight rating, the manufacturer's gross vehicle weight rating, or specified axle and gross weight limits.

EFFECTIVE DATE: July 1, 2011

§ 41 — SCHOOL BUS DRIVERS WITH SUSPENDED LICENSES

By law, the DMV commissioner must report to school districts and school bus operators on school bus and student transportation vehicle drivers whose license or school bus or student transportation vehicle endorsement has been suspended, revoked, or withdrawn. The districts and operators must review these reports at least twice a month. Under prior law, they had 10 days from reviewing such a report to remove a driver whose license or endorsement has been suspended, revoked, or withdrawn. The act instead requires the district or operator to remove the driver within 48 hours of reviewing the report. By law, school districts or school bus operators who fail to do so are subject to a civil penalty of \$2,500 for the first violation and \$5,000 for each subsequent violation.

EFFECTIVE DATE: July 1, 2011

§ 42 — SCHOOL BUS SIGNS AND SIGNALS

The act eliminates a requirement that school buses used for an activity other than carrying children cover any lettering identifying the bus. By law, unchanged by the act, a school bus that is not carrying children must not use, or must disconnect, any special signals it uses when transporting children.

Prior law allowed student transportation vehicles to display certain signs when, among other things, they carried only children, and anyone in charge of the children, to a non-school activity. Under the act, these vehicles cannot display these signs if they are carrying anyone (presumably an adult) in charge of the children. It specifies that these legally required or permitted portable signs must be removed or covered when a vehicle is not being used for the purposes

requiring or allowing them.

EFFECTIVE DATE: July 1, 2011

§ 43 — COMMERCIAL VEHICLE INSPECTIONS

The act bars any person or motor carrier from operating a commercial motor vehicle or combination of such vehicles in Connecticut unless the vehicle has had a federally required periodic inspection in the previous 12 months. It prohibits any person, motor carrier dealer, or repairer from conducting such an inspection in any manner other than that prescribed in federal regulations. A violator is guilty of an infraction for a first offense, and may face a civil penalty for subsequent offenses of between \$1,000 and \$10,000.

By law, any dealer, repairer, motor carrier, or other person who makes a false statement about the inspection or condition of any vehicle or component he or she is required to inspect, or about the repair or repairs he or she made on any such vehicle or component, faces a (1) fine of up to \$1,000, up to 90 days in prison, or both, for a first offense, and a fine of at least \$2,000, up to one year in prison, or both, for subsequent offenses, and (2) civil penalty of between \$1,000 and \$10,000 for subsequent offenses. Violators also may be subject to the penalties for 2nd degree false statement: a fine of up to \$2,000, up to one year in prison, or both.

EFFECTIVE DATE: July 1, 2011

§ 44 — REGISTERING A VESSEL

The act requires that an owner seeking to get a vessel registration number or decal file with the DMV commissioner proof of ownership that she may require, rather than an affidavit or document proving ownership.

EFFECTIVE DATE: July 1, 2011

§ 45 — RENEWAL OF VESSEL REGISTRATION

By law, each vessel certificate of number or certificate of registration expires on April 30 of the year after it is issued. Prior law required the commissioner to notify the owner of the expiration at least 30 days before the expiration date. The act allows, rather than requires, the commissioner to notify vessel owners, in a manner she chooses, when their certificate of number or certificate of registration is going to expire. If she does notify them, she must do so at least 30 days before the expiration date, as under prior law. The act prohibits the commissioner from notifying a vessel owner if the USPS has determined it cannot deliver mail to the address in DMV's records.

EFFECTIVE DATE: July 1, 2011

§ 46 — JUNK DEALER REGISTRATION

The act eliminates a requirement that junk dealers register with DMV and receive and display a DMV certificate. In most instances, it leaves regulation of the establishment, location, and conduct of junk yards to local authorities. The act

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does not preclude a junk dealer or employee from allowing anyone to enter the dealer's junkyard to salvage or collect parts or scraps to buy from the dealer or employee.

EFFECTIVE DATE: July 1, 2011

§ 47 — HANDGUN CARRY PERMITS FOR DMV INSPECTORS

The act exempts legally appointed and certified DMV inspectors from the need to obtain a permit to carry a pistol or revolver in the course of their official duties. The law already exempts parole and peace officers, federal marshals, and others from this requirement.

EFFECTIVE DATE: July 1, 2011

§ 48 — DISCOUNT PREMIUMS FOR MOTORCYCLE OPERATORS

The law requires insurers to offer premium discounts to motorcycle operators who prove they successfully completed a DOT motorcycle course. The act requires insurers to also offer the premium discount to motorcycle operators who offer proof of successfully completing a motorcycle course offered by anyone else DMV approves.

EFFECTIVE DATE: January 1, 2012

§ 49 — BODY ARMOR SALES

The law generally requires anyone selling or delivering body armor in the state to meet personally with the buyer or recipient when the delivery or sale takes place. The law exempts police officers and certain others from this requirement. The act also exempts sworn members or authorized officials of DMV and authorized town or state administrative services officials who buy body armor on behalf of DMV.

EFFECTIVE DATE: July 1, 2011

§ 50 — DMV PRIVATIZATION STUDY

The act requires the DMV commissioner to study alternatives for the performance of certain DMV functions, such as privatization, on-line services, and off-site locations for renewal of non-commercial driver's licenses and registrations. She must report her findings and recommendations to the Transportation Committee by January 11, 2012.

EFFECTIVE DATE: Upon passage

§§ 51-53 — CHANGES IN THE CELL PHONE LAW

The act increases certain fines for using a cell phone or texting while driving and applies them to other distracted driving violations. It specifies that texting while driving a commercial motor vehicle is a violation and adds it to those offenses whose violation can lead to disqualification from operating a commercial motor vehicle. But it allows texting from these vehicles in an emergency.

OLR PUBLIC ACT SUMMARY

By law, certain offenses are considered “serious traffic violations,” and a conviction for two or more can disqualify a CDL holder from operating a commercial motor vehicle for specified periods of time. The act eliminates a provision making an accident resulting in a death related to the operation of a commercial motor vehicle a serious traffic violation. It instead requires, for a serious traffic violation to occur, that the commercial vehicle driver must have violated a law concerning the rules of the road, resulting in a fatality.

The act makes texting while operating a commercial motor vehicle a “serious traffic violation” that may lead to disqualification of a CDL holder. But it allows CDL holders to type, read, or send text or a text message from a mobile phone or mobile electronic device to the following in an emergency:

1. emergency response operator;
2. hospital, physician’s office, or health clinic;
3. ambulance company;
4. fire department; or
5. police department.

Fines

The act increases the fines for illegally using a cell phone or texting while driving, as shown in Table 1:

TABLE 1: FINES FOR ILLEGALLY USING OR TEXTING FROM A CELL PHONE WHILE DRIVING

<i>Offense</i>	<i>Prior Law</i>	<i>Under the Act</i>
First	\$100	\$125
Second	\$150	\$250
Subsequent	\$200	\$400

Prior law imposed a maximum \$100 fine, regardless of the number of offenses, for driving while using a hand-held or hands-free cell phone or mobile electronic device when (1) the vehicle being operated was a school bus carrying passengers or (2) the vehicle operator was under age 18. The act subjects these violators to the above fines. It also applies these fines to drivers who text while driving a commercial motor vehicle or engage in distracted driving.

Prior law also imposed a \$100 fine on a driver who committed a moving violation, such as speeding or reckless driving, while engaged in distracted driving. The \$100 fine was in addition to any fine imposed for the moving violation. The act imposes the fines in Table 1 on these offenders and applies them to individuals charged with illegally using or texting on a cell phone, including drivers (1) of commercial motor vehicles; (2) of school buses carrying passengers; and (3) under age 18, who commit a moving violation.

Prior law required law enforcement officers who issued tickets for cell phone, texting, or moving violations to record the specific nature of the distracted driving behavior that led to the issuance of the ticket. The act instead requires the officer to record on the summons the nature of any distracted driving behavior he observed in connection with any violation of the act, including distracted driving and commercial motor vehicle texting violations.

EFFECTIVE DATE: Upon passage, except a conforming change is effective July

1, 2011.

§ 54 — MULTIPLE MOVING VIOLATIONS

By law, DMV can require a driver who commits a certain number of specific moving or suspension violations to attend a four-hour driver retraining program.

The act adds the following violations to these moving violations: (1) obstructing emergency vehicles, (2) illegally using a device to interfere with a traffic signal, (3) violations of laws that require, among other things, (a) drivers to give right-of-way to pedestrians in crosswalks and obey school crossing guards and (b) pedestrians to walk on sidewalks rather than streets and give right-of-way to emergency vehicles, and (4) violations of the cell phone law. (Under prior law, only the illegal use of a cell phone by a driver under age 18 was considered a moving violation for purposes of the retraining program.)

Under the act, anyone required to attend the retraining program must have the requirement and completion date posted on his or her driving record. The date of course completion must remain on the record until the driver has completed 36 consecutive months without any subsequent moving or suspension violations. If the driver commits such a violation before the 36 months expire, the commissioner must suspend his or her license for 30 days. If he or she commits a second violation within the 36-month period, the commissioner must suspend the license for 60 days. The commissioner must suspend the license for 90 days for each subsequent conviction within the 36-month period.

EFFECTIVE DATE: October 1, 2011

§ 55 — PERSONAL COLOR PHOTO NO LONGER REQUIRED FOR CDL APPLICANTS

The act eliminates a requirement that an application for a CDL or CDL instruction permit include a color picture of the applicant. In practice, DMV takes a photograph of the applicant.

EFFECTIVE DATE: Upon passage

§ 56 — WRITTEN MOTORCYCLE TEST

The act requires an applicant who has successfully completed the motorcycle training course, but has not obtained a motorcycle training permit, to pass a test (other than the driving skills test) demonstrating to DMV's satisfaction that he or she is a proper person to operate a motorcycle, knows enough about it to operate it safely, and has satisfactory knowledge of the law concerning motorcycles, other motor vehicles, and the rules of the road. PA 10-53 had eliminated this requirement.

EFFECTIVE DATE: Upon passage

§ 57 — CASH BOND ALLOWED FOR CERTAIN DMV LICENSE APPLICANTS

By law, applicants for certain DMV licenses must furnish surety bonds.

OLR PUBLIC ACT SUMMARY

Applicants for a repairer's or limited repairer's license must furnish a \$5,000 bond; applicants for a leasing or rental license must furnish a \$10,000 bond; and applicants for a new car dealer's or used car dealer's license must furnish a \$50,000 bond. The act allows these applicants to alternatively furnish a cash bond in these amounts. It requires the cash bond to be deposited with the commissioner and makes conforming changes.

EFFECTIVE DATE: Upon passage

§ 58 — SECOND KNOWLEDGE TEST FOR 16 AND 17-YEAR-OLD LICENSE APPLICANTS

The act allows, rather than requires, DMV to administer a second written knowledge test to 16- and 17-year-old driver's license applicants. By law, these applicants must have already taken and passed a test on motor vehicles laws and the rules of the road to get a learner's permit, which they need to get a license (CGS § 14-36 (c)).

EFFECTIVE DATE: Upon passage

§ 59 — EXTENDING EXPIRATION DATE FOR PRISONERS' DRIVER'S LICENSES

The act requires DMV, on a prisoner's written request, to extend the expiration date of his or her license for two years, or 30 days after the prisoner is released, whichever occurs first.

EFFECTIVE DATE: October 1, 2012

§§ 60 & 61 — DELAYING ELIMINATION OF THE "ACTIVITY VEHICLE" CATEGORY

PA 10-110 eliminated, starting July 1, 2011, the vehicle category of, and corresponding "A" license endorsement for, "activity vehicles," a subcategory of student transportation vehicle. Activity vehicles are used to transport students in connection with school sponsored events and activities, but not to bring them to or from school. The act delays for one year, until July 1, 2012, the date this provision takes effect.

EFFECTIVE DATE: July 1, 2012

BACKGROUND

Out-of-Service Order

An out-of-service order is an order (1) issued by a police officer or DMV inspector under CGS § 14-8, or by an authorized FMCSA official, to prohibit a driver from operating a commercial motor vehicle or (2) issued by FMCSA to prohibit a motor carrier, as defined in 49 CFR 386. 2, from engaging in commercial motor vehicle operations (CGS § 14-1(62)).

OLR Tracking: PF:KM:VR:ro/ts